

### **REMARKS**

The Office Action of January 2, 2008 has been reviewed and these remarks are responsive thereto. Claims 1-17, 19 and 20 remain pending in this application. Reconsideration and allowance of the instant application are respectfully requested.

#### ***Rejections Under 35 U.S.C. § 102***

Claims 1, 5, 7, 11, and 19 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,801,747 to Bedard (hereinafter “Bedard”). Applicants respectfully traverse this rejection.

Claim 1 recites, among other features, adding a first category from the first set to the second set of categories of broadcasted programs in response to tuning a broadcasted program viewing device to a broadcasted program fitting into the first category of the first set of categories a predetermined number of times, wherein the predetermined number of times is greater than 1. Applicants respectfully assert that Bedard fails to teach or suggest the features of claim 1.

Bedard describes a method and apparatus for monitoring television viewing activity to determine preferred categories of programming and preferred channels of a viewer. Abstract. The method and apparatus of Bedard include adding a viewed channel to a list of preferred channels when the channel is viewed for a predetermined amount of time. *See* col. 4, lines 38-40. However, Bedard clearly fails to teach or suggest adding a first *category* from the first set of categories to the second set of *categories* in response to tuning a device to a *broadcasted program* fitting into the first category a predetermined number of times. At most, Bedard describes adding a *channel* to a list of *channels* after the *channel* is viewed for a given time period. There is no teaching or suggestion in Bedard of adding a *category* to a set of *categories* based in response to tuning a device to a *program* fitting into the first category.

Even if it could reasonably be argued, which Applicants do not admit, that adding a channel to a list of channels constitutes adding a category to a list of categories, Bedard teaches away from adding a category *in response to tuning a device to a broadcasted program fitting into the first category a predetermined number of times, wherein the predetermined number of*

*times is greater than 1*. In fact, Bedard describes adding a channel to the list of channels when the channel is viewed once *for a given period of time*. See col. 5, lines 34-48. A length of viewing time, as described by Bedard, does not constitute a number of times tuned. Further, Bedard describes a system wherein a device may be tuned to a channel more than once but not added to the channel listing because the channel was not viewed for the minimum time required.

For at least the reasons discussed above, Applicants respectfully assert that claim 1, as well as claim 5 that depends therefrom, are patentably distinct from Bedard.

Claim 7 includes language similar to claim 1 and is allowable for at least the same reasons discussed above with respect to claim 1. Claim 11 depends from claim 7 and is allowable for at least the same reasons as its base claim and further in view of the additional novel features recited therein. Accordingly, Applicants respectfully request withdrawal of these rejections.

### ***Rejections Under 35 U.S.C. § 103***

Claims 2 and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bedard in view of U.S. Patent No. 6,128,009 to Ohkura (hereinafter “Ohkura”). Applicants respectfully traverse these rejections.

Claims 2 and 8 depend from claims 1 and 7, respectively, and are allowable for at least the same reasons as their base claims. The addition of Ohkura fails to cure the deficiencies of Bedard with respect to claims 1 and 7. Accordingly, Applicants respectfully request withdrawal of these rejections.

Claims 3 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bedard in view of U.S. Patent Publication no. 2004/0210932 to Mori (hereinafter “Mori”). Applicants respectfully traverse these rejections.

Claims 3 and 9 depend from claims 1 and 7, respectively, and are allowable for at least the same reasons as their base claims. The addition of Mori fails to cure the deficiencies of

Bedard with respect to claims 1 and 7. Accordingly, Applicants respectfully request withdrawal of these rejections.

Claims 4 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bedard in view of U.S. Patent No. 6,438,752 to McClard (hereinafter, "McClard"). Applicants respectfully traverse these rejections.

Claims 4 and 10 depend from claims 1 and 7, respectively, and are allowable for at least the same reasons as their base claims. The addition of McClard fails to cure the deficiencies of Bedard with respect to claims 1 and 7. Accordingly, Applicants respectfully request withdrawal of these rejections.

Claims 6, 12-14, 17 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bedard in view of Ohkura. Applicants respectfully traverse these rejections.

Claims 6 and 19 depend from claim 1, and claim 12 depends from claim 7, and are allowable for at least the same reasons as their respective base claims. The addition of Ohkura fails to cure the deficiencies of Bedard with respect to claims 1 and 7. Further, Applicants respectfully traverse the Office taking Official Notice, with respect to claims 6 and 12, that it is "well known in the art at the time to verify the inclusion of information in a viewer profile" and request proper support for this assertion. Accordingly, Applicants respectfully request withdrawal of these rejections.

Claim 13 recites, among other features, a second unit coupled with the first unit to add a category from the first set to a second set of categories of broadcasted programs *in response to selecting the category* from the first set and *tuning a broadcasted program viewing device*, for a period of time at least equal to a first predetermined threshold, *to at least one broadcasted program predetermined to be in the category* from the first set, wherein the second unit further includes a user verification wherein a user approves the category from the first set being added to the second set prior to the category being added. Applicants respectfully assert that neither Bedard nor Ohkura, alone or in combination, teaches or suggests the features of claim 1.

The Office fails to identify any portion of either Bedard or Ohkura that teaches or suggests adding a category from a first set to a second set of categories of *broadcast programs* in response to selecting the category from the first set. Further, the Office fails to identify any portion of either Bedard or Ohkura that teaches or suggests tuning a broadcasted program viewing device, for a period of time at least equal to a first predetermined threshold, to at least one broadcasted program *predetermined to be in the category* from the first set. At most, Bedard describes adding a channel to a listing of preferred channels based on viewing the channel for a predetermined time. There is no teaching or suggestion in either Bedard or Ohkura of selecting a category of broadcasted programs and tuning a device to a program in that category. Applicants respectfully traverse the Office taking Official Notice that it is “well known in the art at the time to verify the inclusion of information in a viewer profile” and request proper support for this assertion. Accordingly, Applicants respectfully assert that claim 13 is patentably distinct from the cited combination of references.

Claims 14 and 17 depend from claim 13 and are allowable for at least the same reasons as discussed above with respect to claim 13, and further in view of the additional novel features recited therein. Accordingly, Applicants respectfully request withdrawal of these rejections.

Claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Bedard in view of Ohkura and further in view of Mori. Applicants respectfully traverse this rejection.

Claim 15 depends from claim 13 and is allowable for at least the same reasons as discussed above with respect to claim 13. The addition of Mori fails to cure the deficiencies of Bedard and Ohkura with respect to claim 13. Accordingly, Applicants respectfully request withdrawal of this rejection.

Claim 16 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Bedard in view of Ohkura and McClard. Applicants respectfully traverse these rejections.

Claim 16 depends from claim 13 and is allowable for at least the same reasons as discussed above with respect to claim 13. The addition of McClard fails to cure the deficiencies

of Bedard and Ohkura with respect to claim 13. Accordingly, Applicants respectfully request withdrawal of these rejections.

### **CONCLUSION**

No additional fees are believed to be due in connection with this amendment. If any additional fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,

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